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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/640,602

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Jonathan M. Owen

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4916

7590

11/12/2004

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EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/640,602

Applicant(s)

OWEN ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: At issue is the following limitation "wherein a given posted request packet communicates a request that is considered completed by a source of the request upon transmission of the request by the source" or equivalent. In particular, at issue is the concept of a request being sent that is considered completed by a source. In view of applicant's specification, examiner notes that such a transaction is considered complete because no acknowledgment is sent for a posted command (applicant does not further recite using an acknowledgment in the claims). In other words, only a non-posted write command uses an acknowledgment because the source does not know if the transaction is completed, see applicant's specification at page 3, lines 15-33. The above concept can also be applied in the context of flow control. In particular, using flow control a target informs the source that a request is complete by sending an acknowledgment back to the source. Applicant argues that their application also teaches flow control. In particular, that applicant's application teaches flow control for BOTH posted and non-posted channels. Examiner acknowledges this fact, however, the examiner still respectfully disagrees with applicant's argument. In particular, the examiner notes that the flow control taught by the prior art is fundamentally different from applicant's flow control. Hence applicant's argument is invalid. Examiner further acknowledges that there are many different types of flow control available. As such, the examiner has provided two slightly different types of flow control in two separate rejections which both read on the claims. In particular, applicant's flow control works over both posted and non-posted channels. In particular, as pointed out by applicant, applicant's flow control is at a physical layer (see applicant's remarks at page 4, lines 19-28). In the supplied references for the rejections, the flow control is provided at a logical layer. In particular, flow control is provided on a per channel basis over a logical channel. Hence some virtual channels have flow control and other virtual channels do not have flow control. This is a fundamental distinction between the applicant's flow control and the flow control used in the rejections. For example, Thorson discloses that non-flow control is only sent over the maintenance channel 60, see e.g., column 9, lines 1-10. Thus the maintenance channel 60 does not transmit flow control information over a posted channel (i.e., in the context of applicant's flow control, flow control would be sent over all channels including the maintenance channel 60 at the physical layer). Hence applicant's flow control and the flow control used in the rejections are fundamentally different (i.e., not equivalent). Instead, what may be at issue is the context for which flow control is applied with respect to the claims. In particular, applicant appears to teach a posted command request packet in light of PCI I/O write post transaction. Examiner notes the above context of a PCI I/O write post transaction is not further recited in the claims. Thus applicant may appear to be arguing more than what is recited in the claims.



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TECHNOLOGY CENTER 2600 11/5/07